

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN SENATE JUNE 2, 2008

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY MARCH 11, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2132

Introduced by Assembly Member Houston

February 20, 2008

An act to amend Sections 2016, ~~3004, and 4370~~ *and 3004* of, and to add Section 2011.5 to, the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as amended, Houston. Wildlife: hunting.

Existing law makes it unlawful to enter any lands owned or occupied by another for the purpose of taking or destroying any bird or mammal where signs forbidding trespass are displayed at specified intervals, unless written consent is obtained from the owner or owner's agent. Existing law makes it unlawful to discharge any firearm or release any arrow or crossbow bolt over or across any public road or way as specified. Existing law permits the taking of a deer during archery season with a bow and arrow, as specified.

This bill would require signs forbidding trespass to be at least 8½ by 11 inches in size. The bill would make it unlawful for a person to remove any collar from a hunting dog with the intent to prevent or hinder the owner from locating the dog. The bill would make it unlawful to discharge any firearm or release any arrow or crossbow bolt over or across any public road or established way in a ~~grossly~~ *an* unsafe manner

~~that could result in injury or death to a person using that public road or established way. The bill would require the Fish and Game Commission to consider adopting regulations that permit, during archery season, the use of one dog per hunter to aid in the recovery of deer.~~

Because a violation of the prohibition *on collar removal* established by the bill would be a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2011.5 is added to the Fish and Game
2 Code, to read:

3 2011.5. It is unlawful for any person to remove any collar,
4 including an electronic or radio transmitting collar, from a *hunting*
5 dog without the permission of the dog's owner and with the intent
6 to prevent or hinder the owner from locating the dog. The court
7 may order any person convicted of violating this section to pay
8 the owner of any *hunting* dog lost or killed as a result of collar
9 removal, as restitution, the actual value of the dog. The court may
10 also order any person convicted of violating this section, as
11 restitution, to pay to the owner of the *hunting* dog any lost breeding
12 revenues.

13 SEC. 2. Section 2016 of the Fish and Game Code is amended
14 to read:

15 2016. It is unlawful to enter any lands under cultivation or
16 enclosed by a fence, belonging to, or occupied by, another, or to
17 enter any uncultivated or unenclosed lands, including lands
18 temporarily inundated by nonnavigable waters flowing outside the
19 established banks of a river, stream, slough, or other waterway,
20 where signs forbidding trespass are displayed at intervals not less
21 than one per one-third mile along all exterior boundaries and at
22 all roads and trails entering such lands, unless the display is
23 otherwise reasonably prohibited by an obstruction, including, but

1 not limited to, a river, stream, or roadway, in which case the sign
2 shall be placed as near as possible to the one-third mile mark, for
3 the purpose of discharging any firearm or taking or destroying any
4 mammal or bird, including any waterfowl, on such lands without
5 having first obtained written permission from the owner of such
6 lands, or his or her agent, or the person in lawful possession
7 thereof. The signs shall be at least 8½ by 11 inches in size and
8 may be of any wording, other than the wording required for signs
9 under Section 2017, which will fairly advise persons about to enter
10 the land that the use of such land is so restricted.

11 SEC. 3. Section 3004 of the Fish and Game Code is amended
12 to read:

13 3004. (a) It is unlawful for any person, other than the owner,
14 person in possession of the premises, or a person having the express
15 permission of the owner or person in possession of the premises,
16 to hunt or to discharge while hunting, any firearm or other deadly
17 weapon within 150 yards of any occupied dwelling house,
18 residence, or other building or any barn or other outbuilding used
19 in connection therewith. The 150-yard area is a “safety zone.”

20 (b) It is unlawful for any person to intentionally discharge any
21 firearm or release any arrow or crossbow bolt over or across any
22 public road or other established way open to the public in a grossly
23 unsafe manner that could result in injury or death to a person using
24 the public road or established way. *an unsafe manner.*

25 SEC. 4. ~~Section 4370 of the Fish and Game Code is amended~~
26 ~~to read:~~

27 ~~4370. In every area in which deer may lawfully be taken during~~
28 ~~the general open season there is an archery season for the taking~~
29 ~~of deer with bow and arrow. The season for each area shall be as~~
30 ~~the commission may prescribe, with a minimum interposing~~
31 ~~interval of three days immediately preceding the regular open~~
32 ~~season on deer in that area. No person taking or attempting to take~~
33 ~~deer during such archery season shall carry, or have under his~~
34 ~~immediate control, any firearm of any kind. The commission shall~~
35 ~~consider adopting regulations that permit, during archery season,~~
36 ~~the use of one dog per hunter to aid in the recovery of deer.~~

37 SEC. 5.

38 SEC. 4. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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